

# Original Complaint

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**United States District Court**  
**Eastern District**

18cv473

***Plaintiff, Shane M. Clark***

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

SEP 28 2018

BY  
DEPUTY \_\_\_\_\_

## **Table of Authorities**

- i. 42 U. S. Code § 1983
- ii. 42 U. S. Code § 1985
- iii. 18 U. S. Code § 242-Deprivation of Rights Under Color of Law, Double Jeopardy Clause of the Fifth Amendment
- iv. 6th Amendment
- v. 14th Amendment
- vi. 18 U. S. C. § 1030 (g) and to rights pursuant to U. S. CONST. amend. V.
- vii. THE TEXAS CONSTITUTION
- viii. ARTICLE 1. BILL OF RIGHTS
- ix. Sec. 10. RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS.
- x. Sec. 9. SEARCHES AND SEIZURES.
- xi. Sec. 11. BAIL.
- xii. Sec. 13. EXCESSIVE BAIL OR FINES; CRUEL OR UNUSUAL PUNISHMENT; OPEN COURTS; REMEDY BY DUE COURSE OF LAW.
- xiii. Sec. 15. RIGHT OF TRIAL BY JURY.
- xiv. Sec. 19. DEPRIVATION OF LIFE, LIBERTY, PROPERTY, ETC. BY DUE COURSE OF LAW.
- xv. Chapter 37 – Perjury and other Falsification
- xvi. Sec. 39.02. – Abuse of Official Capacity
- xvii. 18 U. S. Code § 1030(f)
- xviii. 18 U. S. Code § 1506 – Theft of alteration of record or process; false bail
- xix. THE TEXAS CONSTITUTION
- xx. ARTICLE 1. BILL OF RIGHTS
- xxi. 18 U. S. Code § 1030(f)
- xxii. 18 U. S. Code § 1506 – Theft of alteration of record or process; false bail
- xxiii. 18 U. S. Code § 1018 – Official Certificates of Writings18 U. S. Code § 1018 – Official Certificates of Writings
- xxiv. Accessing a Computer and Obtaining Information (a)(2)
- xxv. Negligently Causing Damage & Loss by Intentional Access (a)(5)(c)
- xxvi. Sec. 31.03. THEFT
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- xxviii. Sec. 34.02. MONEY LAUNDERING.
- xxix. 18 USC § 1961(1)

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**UNITED STATES DISTRICT COURT**

**Eastern District of Texas**

***Shane M. Clark***

***Plaintiff***

***-vs.-***

***Civil Action No.***

***JURY***

***Sylvester Turner***

***(In is official capacity as***

***City of Houston Mayor)***

***Ed Gonzalez***

***(In his official capacity as***

***Harris County Sheriff)***

***Kim Ogg***

***(In her official capacity as***

***Harris County District Attorney )***

***Laura Clemons***

***(In her official capacity as***

***Harris County Assistant District Attorney)***

***Tina Hulsey***

***(In her official capacity as***

***Houston Police Department***

***Certified Peace Officer)***

***Randy Roll***

*Kristin Guiney*

*Chris Daniel*

*(In his official capacity as*

*Harris County District Clerk)*

*Defendants,*

## **PLAINTIFF'S ORIGINAL COMPLAINT**

### **I. TO THE HONORABLE JUDGE OF SAID COURT**

Now comes, Shane M. Clark, hereinafter referred to as "Plaintiff", complaining of Sylvester Turner in his official capacity as City of Houston Mayor, Ed Gonzalez in his official capacity as Harris County Sheriff, Kim Ogg in her official capacity as Harris County District Attorney, Laura Clemons in her official capacity as Harris County Assistant District Attorney, Tina Hulsey in her official capacity as Houston Police Department certified peace officer, Randy Roll in his personal capacity, Kristin Guiney in her personal capacity and Chris Daniel in his official capacity as Harris County District Clerk.

### **II. JURISDICTION AND VENUE**

Jurisdiction of this court is invoked pursuant to 28 U. S. Code § 1331. The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws and or treaties of the United States.

Plaintiff, Shane M. Clark, is a resident of Jefferson County, Texas. Therefore venue is proper as a judicial district in which any defendant resides, if all defendants are residents of the state in which the district is located.

Defendant 1, Sylvester Turner in his official capacity as City of Houston Mayor is a resident of Texas and may be served at 901 Bagby, Houston, Texas 77002.

Defendant 2, Ed Gonzalez in his official capacity as Harris County Sheriff is a resident of Texas and may be served at 1201 Baker, Houston, Texas 77002.

Defendant 3, Kim Ogg in her official capacity as Harris County District Attorney is a resident of Texas and may be served at 500 Jefferson, Houston, Texas 77002.

Defendant 4, Laura Clemons in her official capacity as Harris County Assistant District Attorney is a resident of Texas and may be served at 1201 Franklin, Suite 600, Houston, Texas, 77002.

Defendant 5, Tina Hulsey in her official capacity as Houston Police Department certified peace officer is a resident of Texas and may be served at 1200 Travis, Houston, Texas 77002.

Defendant 6, Randy Roll in his personal capacity is a resident of Texas and may be served at 201 Caroline, 11<sup>th</sup> floor, Houston, Texas, 77002.

Defendant 7, Kristin Guiney in her personal capacity is a resident of Texas and may be served at 201 Caroline, 15<sup>th</sup> floor, Houston, Texas 77002.

Defendant 8, Chris Daniel in his official capacity as Harris County District Clerk is a resident of Texas and may be served at 201 Caroline, Suite 420, Houston, Texas 77002.

This action is brought pursuant to 42 U. S. Code § 1983, 42 U. S. Code § 1985, 18 U. S. Code § 242-Deprivation of Rights Under Color of Law, Double Jeopardy Clause of the Fifth Amendment, 6<sup>th</sup> Amendment, 14<sup>th</sup> Amendment, 18 U. S. C. § 1030 (g) and to rights pursuant to U. S. CONST. amend. V. and to correct unlawful acts of judicial misconduct by Defendant's to the detriment of the Plaintiff. This is a suit for actual damages incurred by Plaintiff as a result of the judicial misconduct that she received at the hands of the Defendant's together with an action of punitive damage, compensatory damages and injunctive or other equitable relief based on the conduct of the Defendant's.

### **III. STATEMENT OF CLAIM**

1. October 26, 2015-September 28, 2018-"HPD", "HCSO", Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk disregard;
2. October 26, 2015-June 19, 2018 "Shane M. Clark" has been arrested three times, incarcerated for 73 days for a charge that was "Dismissed/Disposed".
3. October 26, 2015-September 28, 2018-"HPD", "HCSO", Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk disregard;

Houston Police Department referred to as "HPD" motto;

"Order through law, justice with mercy"

September, 2018-According to the HPD's website, "The mission of the Houston Police Department is to enhance the quality of life in the City of Houston by working cooperatively with the public and within the framework of the U.S. Constitution to enforce the laws, preserve the peace, reduce fear and provide for a safe environment."

The Houston Police Department administrative offices and investigative offices are at 1200 Travis in Downtown Houston. The 61 Riesner site houses the HPD central patrol office, the municipal jail, and the transportation department.

According to HPD's website anyone with internet service can access;

Booking Photo / Mug Shot - see Mug Shot

Beat Report - see UCR (Uniform Crime Report)

Arrest Record / Jail Booking Blotter:

This is the computer record of the blotter, the form an arresting officer fills out when a prisoner is booked into one of our holding facilities. To order a copy of the jail arrest record, you must provide:

The month, day and year of the arrest

The full name(s), DOB, TDL and/or SSN of the individual

If you have the offense report number and/or type of offense, please provide them with your request. To obtain this report, please submit an Open Records request.

Court / Case Disposition

Criminal History Information

Report - Police / Incident / Offense:

Please read this entire section before submitting a request for a police report. Please be aware a criminal offense report and associated items such as videos, photos, etc. are not considered public information and will not be released unless the case was closed by conviction.

Email - [hpd.openrecords@houstonpolice.org](mailto:hpd.openrecords@houstonpolice.org)

Information on how to request documents from other City Departments (other than HPD)

<https://www.houstontx.gov/pia.html>

The Texas Attorney Generals website; <https://www.texasattorneygeneral.gov>

Warrants

January 1, 2017-September, 2018, Sheriff responsible, Ed Gonzalez;

The duties of a Texas sheriff generally include keeping the county jail, providing bailiffs for the county and district courts within his county and serving process issued by said courts, and providing general law enforcement services to residents. The current sheriff of Harris County is Ed Gonzalez, elected in 2016 and took office on January 1, 2017.

According to Harris County Sheriff Department website anyone with internet service can access;

Find Someone in Jail: Search for finding a person in jail

Inmate Visitation: Harris County Sheriff's Office Inmate Visitation Schedule

"VINE": Victim Notification System: "VINELink", "VINE" has been providing victims and concerned citizens with the power of information for decades, allowing these individuals to have the sense of security that they deserve. "VINELink" can be accessed 24 hours a day, seven days a week, to provide the most reliable information for custody status changes and criminal case information.

Court and Case Information

Pay Fines and Court Costs

Inmate Trust Fund: "TouchPayDirect.com", only money transfer to Inmate Trust Fund/Inmate Bank, trustee, Harris County Sheriff Office.

Where to Post a Bond: The Harris County Sheriff's Office will accept cash or surety bonds at 49 San Jacinto Street, Houston, TX 77002.

Cash Bond: If a defendant appears in court as scheduled, and the case is disposed of, the court will issue a refund order. All cash refunds are processed through the Harris County Auditor's Office.

Surety Bonds: Approved Harris County Bondsman List, [www.harriscountytso.org](http://www.harriscountytso.org).

Warrants Search

Background Checks

Report Crimes: Online Reporting

Send a care package: iCare.com a division of "ARAMARK", located at the Harris County jail basement.

Harris County jail inmate records, "search by name" can be accessed via [icare.com](http://icare.com). Once inmate is found, iCare will furnish inmate spin number.

September, 2018-According to the Harris County District Attorney's website, "Guiding principles", Kim Ogg and Kim Ogg, employees;

HCDAO Investigations and Quality Assurance

The Intake Division of the HCDAO is responsible for review of every criminal case that law enforcement seeks to file in Harris County, making it the literal "front door" of our local criminal justice system. Unlike most jurisdictions where police officers "direct file" their cases following arrest, in Harris County, the District Attorney reviews all cases prior to filing charges.

September, 2018-According to the Harris County District clerk website, Role of the Harris County District Clerk;

District Clerk responsible, Chris Daniel

The Harris County District Clerk's Office has other far-ranging duties and plays a key role in the day-to-day operation of county government. In one of its more monumental tasks, the District Clerk's Office is responsible for custodial care and safekeeping

of all court records for 60 District Courts and 16 County Criminal Courts located in Harris County. In conjunction with its court duties, the office also accounts for all monies paid as deposits on civil cases (causes) awaiting disposition and all funds awarded minors in court action that are paid into the court registry.

According to the Harris County District Clerk website anyone with internet access via computer or mobile app can access:

Search Our Records And Documents: Criminal, Civil, Today's Filings, Background Check, Party Inquiry, Historical Records, Trial Judgments, Special Minutes and Harris County Civil/Criminal Court Dockets.

Criminal/Civil on-line Filing

You can access the Electronic Filing State Portal by clicking here.

My Filing via eFile Fax Service, Image Download Available , Accepted Filings

4. October 26, 2015-September 28, 2018-"HPD", "HCSO", Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk disregard;
  - i. Double Jeopardy Clause of the Fifth Amendment
  - ii. THE TEXAS CONSTITUTION
  - iii. ARTICLE 1. BILL OF RIGHTS
  - iv. Sec. 10. Rights Of Accused In Criminal Prosecutions
  - v. Sec. 9. Searches and Seizures
  - vi. Sec. 11. Bail
  - vii. Sec. 13. Excessive Bail Or Fines; Cruel Or Unusual Punishment; Open Courts; Remedy By Due Course Of Law
  - viii. Sec. 15. Right Of Trial By Jury
  - ix. Sec. 19. Deprivation Of Life, Liberty, Property, Etc. By Due Course Of Law
  - x. Chapter 37 – Perjury and other Falsification
  - xi. Sec. 39.02. – Abuse of Official Capacity
  - xii. 18 U. S. Code § 1030(f)
  - xiii. 18 U. S. Code § 1506 – Theft of alteration of record or process; false bail
  - xiv. 18 U. S. Code § 1018 – Official Certificates of Writings
5. October 26, 2015-September 28, 2018-"HPD", "HCSO", Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk disregard;

#### THE TEXAS CONSTITUTION

- i. ARTICLE 1. BILL OF RIGHTS
- ii. Sec. 10. Rights of Accused In Criminal Prosecutions
- iii. Sec. 9. Searches and Seizures
6. November 02, 2015-Tina Husley did not have a signed search warrant or warrant for "Shane M. Clark".

Sec. 11. Bail

7. November 02, 2015-"Shane M. Clark" was made to "Post Bail" or stay in jail.

Sec. 13. Excessive Bail Or Fines; Cruel Or Unusual Punishment; Open Courts; Remedy By Due Course Of Law

November 02, 2015-April 09, 2018-"Shane M. Clark" arrested three times without warrant and "Dismissed/Disposed" case status.

8. October 26, 2015-September 28, 2018-"HPD", "HCSO", Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk disregard;

Sec. 19. Deprivation Of Life, Liberty, Property, Etc. By Due Course Of Law

9. November 02, 2015-April 09, 2018-"Shane M. Clark" has been incarcerated for 73 days, denied bail, denied trial or trial by jury and invalid records and mug shots visible to anyone with internet access.

10. THE TEXAS CONSTITUTION

11. ARTICLE 1. BILL OF RIGHTS

12. Sec. 10. Rights of Accused In Criminal Prosecutions

13. Sec. 9. Searches and Seizures

14. Sec. 11. Bail

15. Sec. 13. Excessive Bail Or Fines; Cruel Or Unusual Punishment; Open Courts; Remedy By Due Course Of Law

16. Sec. 15. Right Of Trial By Jury.

17. Sec. 19. DEPRIVATION OF LIFE, LIBERTY, PROPERTY, ETC. BY DUE COURSE OF LAW.

18. Chapter 37 – Perjury and other Falsification

19. Sec. 39.02. – Abuse of Official Capacity

20. 18 U. S. Code § 1030(f)

21. 18 U. S. Code § 1506 – Theft of alteration of record or process; false bail

22. 18 U. S. Code § 1018 – Official Certificates of Writings

23. October 26, 2015-Kristin Guiney "Probable Cause Not Found".

24. November 02, 2015-178<sup>th</sup> transfer of duplicate case to Kristin Guiney.

25. December 17, 2015-Kristin Guiney court records reflect "Arraignment/Re-Set".

26. February 23, 2016-Kristin Guiney court records reflect case status "Disposed/Dismissed".

27. May 26, 2016-Kristin Guiney court records reflect "Defendant /Present". Kristin Guiney court records reflect "Attorney Withdrew". Kristin Guiney made aware of "Shane M. Clark/Pro Se".

28. June 23, 2016-Kristin Guiney court records reflect "Defendant Data/Not Entered". Kristin Guiney court records reflect "Attorney/Present".

29. June 26, 2016- Kristin Guiney issued a bond forfeiture/NISI on this date.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the "entered on" date and time stated on the Notice of Electronic Filing from the court.

30. June 30, 2016-“Shane M. Clark” via Chris Daniel web services efile Fax Service “Motion to Dismiss Indictment for Improper Grand Jury Proceedings”. This document was “Accepted” and official record of Chris Daniel.
31. June 30, 2016-“Shane M. Clark” via Chris Daniel web services efile Fax Service “Exhibit List” which included supporting documents from FDIC and Capital Bank reflecting statements made in “HPD” complaint of Nancy Lambert/Mac Haik Chrysler Dodge were false. This document was “Accepted” and official record of Chris Daniel.
  - i. Accessing a Computer and Obtaining Information (a)(2)
  - ii. Negligently Causing Damage & Loss by Intentional Access (a)(5)(c)
  - iii. 18 U. Code § 1001 – Statements or entries generally
  - iv. 18 USC § 1961(1)
  - v. Sec. 39.03. – Official Oppression
32. October 26, 2015-September 28, 2018-“HPD”, “HCSO”, Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk have and continue to makes and use false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.
33. October 26, 2015-September 28, 2018-“HPD”, “HCSO”, Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk are aware that “Shane M. Clark” criminal case was “Disposed/Dismissed”.
34. October 26, 2015-September 28, 2018-“HPD”, “HCSO”, Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk have incarcerated “Shane M. Clark” three times, continued to prosecute and accept payments or fees associated with knowledge of “Shane M. Clark” case status, “Disposed/Dismissed”.
  - i. Accessing a Computer to Defraud or Obtain Value (a)(4)
  - ii. Extortion Involving Computers (a)(7)
  - iii. Sec. 39.03. – Official Oppression
35. October 26, 2015-September 28, 2018- “HPD”, “HCSO”, and Harris County District Clerk, "Access" means to approach, instruct, communicate with, store data in, retrieve or intercept data from, alter data or computer software in, or otherwise make use of any resource of a computer, computer network, computer program, or computer system.
36. October 26, 2015-September 28, 2018-“HPD”, “HCSO”, Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk instruct, communicate with, store data in retrieve and intercept data from, alter data of criminal case/cause found for “Shane M. Clark”.
  - i. Sec. 39.03. – Official Oppression
  - ii. 18 USC § 1961(1)
37. June 19, 2018-“HPD”, “HCSO”, Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk, offered plea bargain in lieu of state jail and forced “Shane M. Clark” to “plead guilty” to invalid criminal court records and information.
38. November, 2015-June 19, 2018-“HPD”, “HCSO”, Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk incarcerated “Shane M. Clark” three times for 72 days without evidence submitted by the state or a trial set. “Shane M. Clark” was forced to accept Randy Roll plea offer with mandatory payments for 24 months. If “Shane M. Clark” fails to follow Randy Roll court order she will then be incarcerated in a state jail facility.

39. October 26, 2015-September 28, 2018-“HPD”, “HCSO”, Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk, have and continue to make public access, invalid criminal court records and information of “Shane M. Clark”.
40. October 26, 2015-September 28, 2018-“HPD”, “HCSO”, Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk, have and continue to correct errors of invalid criminal court records and information of “Shane M. Clark”.
- i. THE TEXAS CONSTITUTION
- ii. ARTICLE 1. BILL OF RIGHTS
- iii. Sec. 10. Rights Of Accused In Criminal Prosecutions
- iv. Sec. 9. Searches And Seizures
- v. Sec. 11. Bail
- vi. Sec. 13. EXCESSIVE BAIL OR FINES; CRUEL OR UNUSUAL PUNISHMENT; OPEN COURTS; REMEDY BY DUE COURSE OF LAW.
- vii. Sec. 19. DEPRIVATION OF LIFE, LIBERTY, PROPERTY, ETC. BY DUE COURSE OF LAW.
- viii. 18 U. S. Code § 3553 – Imposition of a Sentence
- ix. Sec. 31.03. Theft
- x. Sec. 39.03. – Official Oppression
41. November 02, 2015-June 19, 2018-Randy Roll and Kristin Guiney denied “Shane M. Clark” a trial.
42. October 26, 2015-November 02, 2015-Tina Hulsey pre-arranged with “Shane M. Clark” ex-husband at his residence while having dinner with “Shane M. Clark” minor children present, arrest date and location of “Shane M. Clark”.
43. November 02, 2015-Tina Hulsey pre-arranged with “Shane M. Clark” ex-husband to meet her at elementary school of “Shane M. Clark” minor children. Tina Hulsey directed elementary school staff that “Shane M. Clark” minor children would be released to ex-husband. Tina Hulsey then informed the elementary school staff that “Shane M. Clark” had an active warrant and that she would be arresting her once “Shane M. Clark” was on school property attending “Shane M. Clark” minor child parent/teacher conference.
44. November 02, 2015-Tina Hulsey pre-arranged with “Shane M. Clark” ex-husband to witness and photograph “Shane M. Clark” handcuffed while being placed into “HPD” owned vehicle.
45. November 02, 2015-Tina Hulsey pre-arranged with “Shane M. Clark” ex-husband to be a party to “search and seizure” of vehicle driven by “Shane M. Clark”.
46. November 02, 2015-Tina Hulsey allowed “Shane M. Clark” ex-husband to take items belonging to “Shane M. Clark” from the vehicle driven by “Shane M. Clark”.
47. November 02, 2015-September 28, 2018-Tina Hulsey has not provided “Shane M. Clark” the return of her personal belongings.
48. November 04, 2015-“HPD”, “HCSO”, Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk judicial misconduct, “Shane M. Clark” ex-husband filed in Harris County Family Court, “Proposed Temporary Restraining Order and Order Setting Hearing for Temporary Orders”.

49. November 04, 2015-"HPD", "HCSO", Kim Ogg, Laura Clemons, Randy Roll, Kristin Guiney and Harris County District Clerk judicial misconduct, "Shane M. Clark" ex-husband filed in Harris County Family Court, "Petition to Modify Parent-Child Relationship".
50. July, 2017-September 28, 2018-"Shane M. Clark" has seen her minor children three times.
51. July, 2017-September 28, 2018-"Shane M. Clark" is not allowed at minor elementary. She has missed all school activities and educational decision making for her minor children.
52. July, 2017-September 28, 2018-"Shane M. Clark" has not been allowed medical decision of minor children or medical records of minor children.
53. April 09, 2018-June 19, 2018-Randy Roll denied "Shane M. Clark" bond.
54. April 09, 2018-June 19, 2018-Randy Roll denied "Shane M. Clark" arraignment.
55. April 09, 2018-June 19, 2018-Randy Roll denied "Shane M. Clark" personal recognizance bond.
56. October 26, 2015-June 19, 2018-Randy Roll did not have evidence from the state.
57. April 26, 2018-Randy Roll "Court-Appointed" counsel on behalf of "Shane M. Clark".
58. April 26, 2018-"Shane M. Clark" did not make application of "Indigence".
59. April 26, 2018, June 05, 2018-"Shane M. Clark" did not receive any information from Randy Roll or court-appointed counsel that "Shane M. Clark" had been appointed counsel.
60. April 26, 2018, June 05, 2018-"Shane M. Clark" was not contacted by court-appointed counsel.
61. April 26, 2018, June 05, 2018-"Shane M. Clark" was denied her right to discuss case details and "Dismissed/Disposed" details with court-appointed counsel.
62. June 05, 2018-"Shane M. Clark" met court-appointed counsel and spoke to her through a visitation window in Randy Roll "holding tank".
63. June 05, 2018-"Shane M. Clark" was offered Randy Roll plea bargain via court-appointed counsel while she was in Randy Roll "holding tank".
64. June 05, 2018-"Shane M. Clark" requested contact information from court-appointed attorney. Information that was received was non-legible.
65. June 05, 2018-Randy Roll offered a plea bargain to "Shane M. Clark" but failed to provide a restitution amount as he did not have evidence from the state.
66. June 05, 2018-Randy Roll re-set "Shane M. Clark" court date to June 19, 2018 and denied bond and personal recognizance bond aware that she had been incarcerated for 56 days and that the state had failed to provide evidence to a "Dismissed/Disposed" court setting.
67. June 19, 2018, Randy Roll aware that complaint filed evidenced that "Shane M. Clark" was authorized to operate the motor vehicle "claimed" to be stolen. Randy Roll was aware that no probable cause had been found and that Tina Hulsey had filed the same complaint within four days with two Harris County Criminal courts.
68. June 19, 2018-Randy Roll aware "Shane M. Clark" criminal case was "Disposed/Dismissed" on February 23, 2016..
69. June 19, 2018-Randy Roll, disregard "Factors to Be Considered in Imposing a Sentence".
70. June 19, 2018-Randy Roll disregard , "The court shall impose a sentence sufficient, but not greater than necessary".
71. June 19, 2018-Randy Roll is aware Class A misdemeanor if the value of the property stolen is \$750 or more but less than \$2,500.

72. June 19, 2018-Randy Roll failed to correct his error of court and forced "Shane M. Clark" to accept a plea bargain based on invalid charge or she would be incarcerated for 9 months in a state jail facility.
73. June 19, 2018- Randy Roll final sentence, two years deferred adjudication and restitution of \$1,500.00, court and probation fees, "State Jail Felony", "Shane M. Clark" .
74. June 19, 2018-Official Record of Chris Daniel;
75. Randy Roll final sentence, two years deferred adjudication and restitution of \$1,500.00, court and probation fees, "State Jail Felony", "Shane M. Clark" .
76. June 19, 2018-"Notice of Intent to Destroy Evidence" official record Chris Daniel.
77. July 23, 2018-"Shane M. Clark" filed appeal to 14<sup>th</sup> Court of Appeals.
78. July 23, 2018-September 28, 2018, "Shane M. Clark" has not received any correspondence from the 14<sup>th</sup> Court of Appeals.
79. July 23, 2018-August 28, 2018-Chris record official records reflect 14<sup>th</sup> Court of Appeals has Randy Roll court-appointed attorney as "Shane M. Clark" attorney of record.
80. July 23, 2018-August 28, 2018- Chris record official records reflect 14<sup>th</sup> Court of Appeals documents are filed into Randy Roll court records.
81. July 28, 2018-Chris Record official record reflects 14<sup>th</sup> Court of Appeals "Final Judgment" denying "Shane M. Clark" the right to appeal.
  - i. Sec. 34.02. Money Laundering
  - ii. 18 USC § 1961(1)
82. July 19, 2018-September 26, 2018, Harris County Community Supervision and Corrections Department referred to as "HCCS&CD" conducts, supervises, or facilitates transactions involving the proceeds of criminal activity. "HCCS&CD" acquires or maintains an interest in, conceals, possesses, transfers, or transports the proceeds of criminal activity.
83. November, 2015-September 28, 2018-"Shane M. Clark" has purchased Harris County District Court certified records via [www.hcdistrictclerk.com](http://www.hcdistrictclerk.com).

Copies can be purchased from Harris County District Clerk's office via the Internet or at any of Harris County District Clerk customer service locations. Harris County District Clerk and KIOSK location accepts cash, VISA, MASTER CARD, DISCOVER and AMERICAN EXPRESS.

84. June 19, 2018-Randy Roll court order requires "Shane M. Clark" to electronically submit \$122.00 monthly and/or deliver by mail or person, restitution payment, transfer fee, Harris County probation specific identification card, supervision fee, probation fee and court fee monthly. "HCCS&CD" transfer restitution to Mac Haik Chrysler Dodge and other fees to appropriate divisions of Harris County District Court and "HCCS&D".
85. June 19, 2018-September, 26, 2018- "HCCS&CD" in acceptance three cash payments.
86. June 22, 2018- "Bill of Review" fee of \$205.00 processed and received, Harris County District Clerk.
87. May 04, 2017- "Final Judgment/Felony" fee of \$2,270.00 processed and received, Harris County District Clerk.
88. June 02, 2017- "Motion for New Trial" fee of \$56.00 processed and received, Harris County District Clerk.
89. December ,2015-September 28, 2018- "Shane M. Clark" has exhausted all options for assistance with the judicial misconduct, abuse of office, official oppression and extortion that she has been subject to by Defendant's. "Shane M.

Clark” has attempted to contact and supply official records of Chris Daniel to FBI on-line request, FBI/Houston, FBI/Beaumont, Texas Rangers, Governor Abbott, Texas Supreme Court Judicial Center, Kim Ogg, Office of Kim Ogg, Randy Roll, Chris Daniel and Kristin Guiney. “Shane M. Clark” has received no assistance in resolving.

#### IV. RELIEF

As a result of the foregoing unlawful abuse of office and judicial misconduct of Defendant’s, Plaintiff was and currently a victim of conspiracy against rights. Plaintiff has suffered unjust hardships in conscious disregard of Plaintiff. Defendant’s actions of continual disregard are and were intentional, in bad faith and total disregard of Plaintiff’s rights. Defendant’s is strictly liable for the Plaintiff hardship, ruining and continuing to ruin her on-line reputation, threats of future incarceration if she fails to make monthly payments, pain and suffering because the Defendants have failed to examine Constitutional Principles implicated by the untimely correction of erroneous error in ruling.

Due to the actions of Defendant’s, Plaintiff has suffered and will continue to suffer damages and is therefore, entitled to recover damages for mental anguish, actual and compensatory damages, lost wages, benefits, legal fees and past and future punitive damages due to the nature and actions of Defendant’s and Defendant’s employees, which Defendant’s is vicariously liable. Whenever in this complaint it is alleged that Defendant did any act or thing, it is meant that Defendant’s officers, agents, servants, employees or representatives did such act and/or that, at the time such act was done, it was done with and/or that, at the time such act was done, it was done with of Defendants or was done in the of Defendant or was done in the normal and routine course and scope of employment of Defendant’s officers, agents, servants, employees or representatives.

Defendant’s conduct, as described in this complaint, and the resulting damage and loss to Plaintiff. If Plaintiff finds future need to retain counsel, Plaintiff seeks all reasonable and necessary attorney fees in this case which would include the following;

- i. Preparation and trial of the claim, in an amount the jury deems reasonable.
- ii. Post-trial, pre-appeal legal services, in an amount the jury deems reasonable.
- iii. An appeal to the Court of Appeals, in an amount the jury deems reasonable.
- iv. Making or responding to an Application for Writ of Error, to the Supreme Court of Texas and attorney fees in the event that application for Writ of Error is granted, in an amount the jury deems reasonable.
- v. Post-judgment discovery and collection in the event that execution on the judgment is necessary, in an amount the jury deems reasonable.

Wherefore, Plaintiff respectfully requests that the Defendant be cited to appear and answer herein, and that upon final trial hereof, the Court;

Award Plaintiff actual compensatory damages which she has suffered as a result of Defendant’s judicial misconduct and conspiracy against rights. Award Plaintiff loss wages and benefits, both past and future, award Plaintiff mental anguish and emotional distress, both past and future, award Plaintiff punitive damages in an appropriate amount deemed sufficient to

prevent Defendant from repeating this judicial misconduct and conspiracy against rights of Plaintiff. Award Plaintiff, all other relief which the Court deems just and proper.

**V. THEREFORE, PLAINTIFF DEMANDS A TRIAL BY JURY**

**Certification and Closing**

*Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.*

*I agree to provide the Clerk's office with any changes to my address where case related papers may be served. I understand that my failure to keep a current address on file with the Clerk's office may result in the dismissal of my case.*

*Signature of Plaintiff*

Shane M. Clark

*Printed Name of Plaintiff*

Shane M. Clark

*Date of Signature*

September 28, 2018

*Pursuant to Local Rule CV-11(b)(1)(E)*

*Plaintiff Email Address*

Shaneyclark775@yahoo.com